

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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DISTRICT OF MASS.

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF MASSACHUSETTS;
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION; MITT
ROMNEY, in his capacity as Governor of
Massachusetts; and ROBERT W. GOLLEDGE,
JR., in his capacity as Commissioner of the
Massachusetts Department of Environmental
Protection,

Defendants.

Civil Action No. 05-10112 JLT

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60200-00173/2005 300.00 K

AFFIDAVIT OF SOREN LARSEN

My name is Soren Larsen. My business address is BIMCO, Bagsvaerdvej 161, 2880 Bagsvaerd, Denmark. I hold the position of Deputy Secretary General for BIMCO, which is the world's largest international shipping association, with approximately 2,500 members in 123 countries. Among its members are shipowners, operators, managers, brokers, agents, and associations. BIMCO's members control an aggregate fleet representing 65% of the world's merchant vessels. Among other things, BIMCO promotes safe shipping practices, represents its members' interests in international debates on shipping issues, conducts training exercises, and is an official observer at the International Maritime Organization, an agency of the United Nations

that regulates international safety and environmental protection standards for vessels. BIMCO also advocates for predictable and standardized shipping regulations across political boundaries. Some BIMCO members operate tank vessels in Massachusetts waters or compete for petroleum cargoes destined for Massachusetts.

In my capacity as Deputy Secretary General of BIMCO, I am aware of Massachusetts legislation known as “An Act Relative to Oil Spill Prevention and Response in Buzzards Bay and Other Harbors and Bays of the Commonwealth,” Chapter 251 of the Acts of 2004 (“Oil Spill Act” or “Act”). The Act adversely affects BIMCO’s members because it imposes manning, equipment, and operational requirements for vessels in Massachusetts waters that differ from or conflict with federal and international regulations. The differing requirements created by the Act frustrate BIMCO’s attempts to ensure safe and environmentally sound transportation by tank vessels in U.S. waters, and increase the possibility of injury, accident, and damage to the marine environment. Compliance with these local regulations, to the extent they differ from requirements imposed by the United States Government or international requirements creates uncertainty, confusion and imposes costs that cannot be readily recouped.

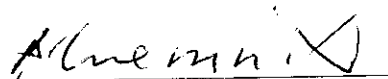
AFFIDAVIT

Soren Larsen, duly sworn, deposes and states that he prepared or directed the preparation of this document entitled the Affidavit of Soren Larsen, and that the statements contained therein are true and correct to the best of his knowledge, information, and belief.



Soren Larsen

Subscribed and sworn to before me this 8 day of March 2005.

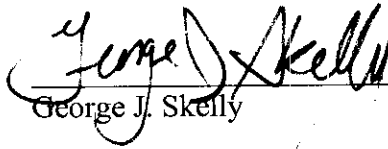


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that I have on this 14th day of March 2005 caused a true and correct copy of the Affidavit of Soren Larsen (original) to be served, via facsimile and first class mail, postage prepaid, or via Overnight Courier or messenger, on the parties listed below.


George J. Skelly

Pierce O. Cray
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

VIA OVERNIGHT COURIER

Steven Y. Bressler
Civil Division, Federal Programs Branch
United States Department of Justice
20 Massachusetts Avenue, N.W.
Washington, DC 20001